

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

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HEATHER WEAVER,

PLAINTIFF,

vs.

GCA SERVICES GROUP, INC.,

DEFENDANT.

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CIVIL ACTION NO.:

3:18-CV-586-SRW

COMPLAINT

JURISDICTION AND VENUE

1. Jurisdiction is proper in this Court by virtue of 28 U.S.C. §1332, diversity of citizenship, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.
2. Venue is appropriate in this Court since all activities made the subject of this action originated and occurred within Lee County, Alabama.

Parties

3. Plaintiff, Heather Weaver, is an adult resident of Lee County, Alabama.
4. Defendant GCA Services Group, Inc., is a business entity incorporated in Delaware and with its principal place of business located at 1350 Euclid Avenue, Cleveland, Ohio 44115.

Facts

5. On or about February 20, 2017, Plaintiff, a Ph.D. Candidate and English instructor at Auburn University, had finished teaching her first class for the day, and was

walking from the 8th floor of the Haley Center to its 9th floor to make copies for her other classes. When Plaintiff reached the landing between the floors, she stepped forward with her right foot onto a floor which was so slick it caused her right foot to slide forward out from underneath her and causing Plaintiff to fall on the stairs. Plaintiff landed on the right side of her body, breaking both her right tibia and fibula as well as incurring bruising and swelling all up and down her body, among other injuries.

6. After falling, Plaintiff was unable to move due to the intense pain she was experiencing, and remained on the floor until the paramedics arrived. When the paramedics arrived, they informed Plaintiff that the slickness of the floor made it too dangerous for them to bring the stretcher into the stairwell, so they had no choice but to put a stabilizing brace onto Plaintiff's foot and slowly carry her from the stairs to a floor landing. Plaintiff was taken by ambulance to the hospital, wherein she was informed that her injuries would require surgery.

7. Upon information and belief, GCA Services Group, Inc. ("GCA") is the company contracted by Auburn University to provide maintenance, cleaning and other janitorial services to its facilities, including the Haley Center.

8. Upon information and belief, as part of providing these services, GCA stripped and/or waxed the stairs in the Haley Center in such a manner as to render them unreasonably dangerous to walk upon.

9. GCA knew or, by the exercise of reasonable care, should have known of the hazardous condition created by their stripping and/or waxing of the Haley Center's stairs, which posed an unreasonable risk of harm to anyone who would walk upon them. GCA

should have expected that anyone who walked upon the stairs would not discover or realize the hazard or would fail to protect themselves against the danger. GCA failed to exercise reasonable care to protect against this danger.

10. At all times pertinent hereto, GCA failed to exercise reasonable care to inspect for hazardous conditions created when the stripped and/or waxed the stairs, or to take adequate steps to remedy or warn people of such hazards.


11. The incident which caused Plaintiff's injuries could have been prevented with the proper configuration, safety precautions, and/or warning of the dangerous condition regarding the unreasonably slippery floor, and was of a type which would not ordinarily occur in the absence of negligence or wantonness. Furthermore, the incident which caused Plaintiff's injuries is not attributable to any negligence on Plaintiff's part.

12. As the direct and proximate result of GCA's negligence and/or wantonness and its failure to remedy or warn of the above-described dangerous condition, Plaintiff suffered significant injuries. Plaintiff suffered breaks to both her right tibia and fibula which required three surgeries, hardware and a bone growth stimulator to repair. She continues to wear an ankle brace for stability and it is necessary for her to take anti-inflammatories daily. Plaintiff also suffered a torn rotator cuff to her right shoulder which required surgery. Plaintiff is still in physical therapy for her shoulder. Plaintiff has suffered permanent injury, scarring, medical expenses, as well as pain and suffering and mental anguish.

13. Plaintiff further alleges that GCA and its agents and/or employees were negligent and/or wanton in failing to maintain the premises they serviced in a safe manner.

GCA was aware or should have been aware that failing to provide a safe environment in the Haley Center's stairways would present a dangerous condition to anyone who walked upon them. As a proximate result of such conduct, Plaintiff suffered damages as set forth above.

14. Plaintiff further avers that GCA and its agents and/or employees were negligent and/or wanton in failing to make reasonable inspections and discover the hazardous conditions which they created. GCA had an obligation to inspect for and eliminate hazardous conditions which it created. As a proximate result of GCA's failure to do so, Plaintiff suffered damages as set forth above.


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JURY DEMAND

Plaintiff demands trial by struck jury on all issues raised herein.


GAYLE L. DOUGLAS [DOU012]
Attorney for Plaintiff

PLAINTIFF REQUESTS SERVICE BY CERTIFIED MAIL AS FOLLOWS:

Defendant's Registered Agent Address:

GCA Services Group, Inc.
c/o CT Corporation System
2 North Jackson Street, Suite 605
Montgomery, AL 36104